

SAVANNAH BOARD OF ZONING APPEALS



STAFF REPORT

MPC FILE NO.	26-002526-ZBA
MPC STAFF	Ashley Catterton
DATE	August 27, 2026
PETITIONER	Samuel Kopelman
ADDRESS	414 E 36th Street
PARCEL ID	20064 23009
ALDERMAN DISTRICT	2 – Detric Leggett
CHATHAM COUNTY COMMISSION DISTRICT	2 – Malinda Scott Hodge

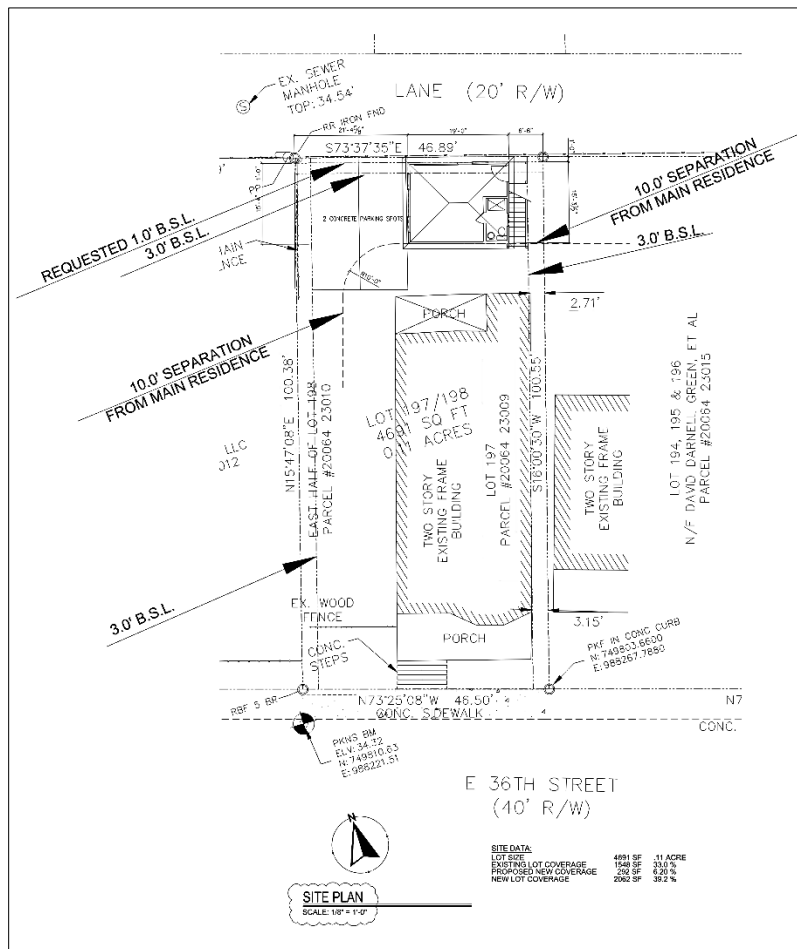
BACKGROUND

This variance request involves a 0.11-acre tract located at 414 E 36th Street measuring approximately 4,691 square feet with a lot width of 46.5 feet and depth of 100 feet. The property is currently zoned TN-2 (Traditional Neighborhood-2) and is situated within the Thomas Square neighborhood and the Streetcar Historic District.

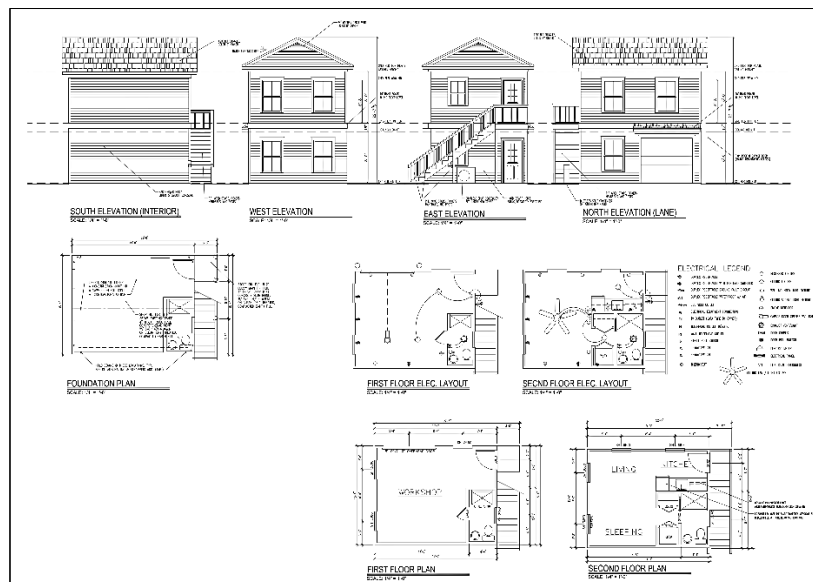
The Petitioner requests a variance to reduce the required rear yard setback from three (3) feet to zero (0) feet to construct a 292-square-foot Accessory Dwelling Unit (ADU) and maintain a 10-foot building separation compliance from the primary structure within the TN-2 zoning district.



Aerial & Site Map for 414 E 36th Street



Proposed Conceptual ADU Layout for 414 E 36th Street



Proposed ADU Elevations for 414 E 36th Street

FACTS & FINDINGS

- The Petitioner is seeking approval for this variance request prior to applying for a Certificate of Appropriateness from the City of Savannah Historic Preservation Commission (HPC).
- This variance request was initially presented to the Savannah Zoning Board of Appeals (SZBA) on June 25, 2026, at which time the Board continued the petition and requested that the Petitioner provide a conceptual site plan and design layout for the proposed ADU to provide additional clarification.
- In response to the Board's request, the Petitioner has submitted design elevations and a revised conceptual site plan, which will be available for review at the upcoming August 27, 2026, meeting.
- The current conceptual site layout for the proposed 292-square-foot ADU complies with the required 10-foot building separation; however, the applicant states that maintaining this separation requires a 0-foot rear setback, which is the subject of the requested variance.
- Therefore, the proposed conceptual site layout overall **does not comply** with the *City of Savannah Ordinances* pertaining to Accessory Dwelling Units and Location.

Section 8.7.4(a)(iii). *Detached accessory dwelling units shall meet the same side-yard setback requirement as the principal structure. Such units shall be separated from the principal structure by at least 10 feet. Detached accessory dwelling units shall have a rear-yard setback requirement of at least five (5) feet, provided that if the accessory dwelling is located on a lot that abuts a lane the rear-yard setback requirement shall be at least three (3) feet. Within zoning districts that have no rear-yard setback requirement for the principal structure there shall be no rear-yard setback requirement for an accessory dwelling unit.*

- **The proposed ADU is located on a lot abutting a lane which requires a minimum 3-foot rear-yard setback as well as a required 10-foot building separation from the principal structure.**
- Based on the conceptual site layout, the proposed ADU **complies** with the *City of Savannah Ordinances* pertaining to Accessory Dwelling Units and Building Size.

Section 8.7.4(d)(i). *The building footprint of the accessory dwelling unit shall be a maximum of 40% of the building footprint of the principal dwelling not to exceed 700 square feet. In the A-1, RSF-E, RSF-30 and RSF-20 districts, the maximum building footprint shall be 40% of the building footprint of the principal dwelling or 1,000 square feet, whichever is less. In buildings with multiple dwelling units, the footprint percentage calculation shall be based on the footprint of a single dwelling unit.*

- **The two-story primary dwelling was built around 1900 with a main building footprint of approximately 1365 square feet. The proposed 292-square-foot ADU does not exceed the maximum 40% building footprint of the principal dwelling unit (which is approximately 546 square feet).**

Section 8.7.4(d)(iii). *The accessory dwelling unit shall contain no more than one (1) bedroom. This standard shall be variable.*

- o **The two-story ADU is proposed to have an enclosed one-car garage on the first floor and one (1) bedroom and one (1) bathroom located on the second floor. Detailed elevations were also included.**
- An existing concrete pad provides two (2) additional parking spaces, which the Petitioner has confirmed will remain available for use.
- Adjacent zones within 500 feet are TC-1 (Traditional Commercial-1) and TN-2.
- The Future Land Use for the subject property is “Traditional Neighborhood”.
- According to Chatham County-Savannah Comprehensive Plan (Plan 2040), the subject property is located within the Urban Core character area. This area is characterized by a mix of detached and attached single-family homes, mid-size multifamily buildings, and smaller-scale neighborhood commercial uses. A range of housing options and future development are encouraged, provided they maintain the walkable densities and be compatible with the community character.

CRITERIA FOR APPROVAL

The Zoning Board of Appeals may grant variances to certain development standards per Section 3.21.10 based on the following criteria:

a. General Consistency

The variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

MPC Comment: *The requested variance is **not** consistent with the dimensional requirements established for ADUs under the current Zoning Ordinance; however, the proposed residential use is generally consistent with Plan 2040’s designation of the subject property within the Urban Core Character Area, which supports a range of housing options and future residential development compatible with the surrounding community character. The requested variance is not anticipated to be injurious to the surrounding neighborhood or otherwise detrimental to public health, safety, or welfare.*

b. Special Conditions

- i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.

MPC Comment: *No special conditions and/or circumstances have been identified that are peculiar to the subject property and distinguish it from other properties within the same zoning district. The need for a 0-foot rear*

yard setback results from the proposed site layout rather than a condition unique to the property.

- ii. The special conditions and/or circumstances do not result from the actions of the applicant.

MPC Comment: *The circumstances giving rise to the variance request result from the Petitioner's proposed site layout for the ADU. The requested 0-foot rear yard setback is necessary to maintain the required 10-foot building separation under the proposed configuration and therefore results from the Petitioner's proposed design rather than from a condition beyond the applicant's control.*

- iii. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.

MPC Comment: *The special conditions and/or circumstances are not purely financial in nature. The requested variance is associated with the Petitioner's proposed site layout and the need to maintain the required 10-foot building separation, rather than a desire to increase profitability or reduce development costs.*

c. Literal Interpretation

Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

MPC Comment: *The literal interpretation of the regulations would not deprive the Petitioner of rights commonly enjoyed by other properties in the same zoning district. The current Zoning Ordinance applies equally to properties within the district, and the Petitioner retains the ability to construct an ADU that complies with the applicable dimensional requirements.*

d. Minimum Variance

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings, or structures.

MPC Comment: *The requested variance is not the minimum variance necessary to make possible use of the property. The Petitioner has not demonstrated that a 0-foot rear yard setback is necessary to construct an ADU or make reasonable use of the property, as the proposed ADU may be modified or relocated to comply with the required rear yard setback.*

e. Special Privilege Not Granted

The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.

MPC Comment: *The requested variance would confer a special privilege upon the Petitioner by allowing the proposed ADU to encroach into the required rear yard setback beyond what is permitted by the current Zoning Ordinance. The applicable dimensional standards apply equally to properties within the same zoning district, and approval of the requested variance would allow the Petitioner to obtain relief from a requirement that similarly situated properties are required to meet.*

STAFF RECOMMENDATION

MPC Staff recommends **denial** of the variance request to reduce the required rear yard setback from three (3) feet to zero (0) feet to facilitate the construction of a 292-square-foot ADU within the TN-2 zoning district.

The request does not satisfy the applicable criteria for variance approval in Section 3.21.10 of the City of Savannah Code of Ordinances, as the need for the requested variance results from the Petitioner's proposed site layout and the requested 0-foot setback has not been demonstrated to be necessary for the reasonable use of the property. The proposed ADU may be modified or relocated to comply with the required rear yard setback, which applies equally to properties within the same zoning district.

Note: This recommendation could change subject to new information provided at the Zoning Board of Appeals meeting. Final decisions will be made by the Zoning Board of Appeals at the public hearing based on information provided at the meeting, as well as information submitted for the staff report.